

OCT 27 2006

TRANSMITTAL FORM		Application No.:	10/731,622
		Filing Date:	12/09/03
		First Named Inventor:	Michael Kowalchik
		Group Art Unit	2189
		Examiner:	Christian P. Chace
Total Number of Pages in this Submission: 8		Customer No.	24227
		Docket No.	EMC-01-102CIP1
ENCLOSURES (check all that apply)			
<input checked="" type="checkbox"/> Authorization for the Commissioner to charge Deposit Account No. 05-0889 for fees associated with this transaction (in duplicate)	<input type="checkbox"/> Assignment Recordation Cover Sheet	<input type="checkbox"/> Petition for Revival of an Unintentionally Abandoned Application [37 CFR 1.137(b)] (in duplicate)	
<input type="checkbox"/> Response	<input type="checkbox"/> Declaration/Power of Attorney	<input type="checkbox"/> Associate Power of Attorney	
<input type="checkbox"/> After Final	<input type="checkbox"/> Copy of Notice to File Missing Parts of Nonprovisional Application	<input type="checkbox"/> Form PTOL-85B, Part B - Issue Fee Payment Transmittal, (in duplicate)	
<input type="checkbox"/> Affidavits/Decl.	<input type="checkbox"/> Revocation of Power of Attorney	<input type="checkbox"/> Pre-Appeal Brief Request for Review	
<input type="checkbox"/> Extension of Time Request for _____ Months	<input type="checkbox"/> Formal Drawings	<input checked="" type="checkbox"/> Fee Transmittal (in duplicate)	
<input type="checkbox"/> Request for Continued Examination Transmittal	<input type="checkbox"/> Letter to Official Draftsperson with _____ (____) sheets of redlined changes to drawings	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Copy of PTO 948, "Notice of Draftsperson's Patent Review"	<input checked="" type="checkbox"/> Notice of Appeal (in duplicate)	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Appeal Brief (in triplicate)	
	<input type="checkbox"/> Additional Enclosures:	<input checked="" type="checkbox"/> Certificate of Mailing or Transmission	
		<input type="checkbox"/> Certificate of Express Mail Mailing	
		<input type="checkbox"/> Postcard	
SIGNATURE OF APPLICANT, ATTORNEY OR AGENT			
Date <u>10/27/06</u>		<u>Scott A. Ouellette</u>	
		Scott A. Ouellette, Esq. (Reg. No. 38,573) EMC Corporation Office of the General Counsel 176 South Street Hopkinton, MA 01748	
CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8]			
I hereby certify that this correspondence and the above-referenced enclosures are being:			
<input type="checkbox"/> Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop: Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.			
<input checked="" type="checkbox"/> Transmitted by facsimile on the date shown below to the Patent and Trademark Office at (571) 273-8300.			
Date <u>10/27/06</u>		<u>Linda Valanzola</u>	
		Signature	
		Linda Valanzola	
		Typed or printed name of person signing certificate	

DUPLICATE


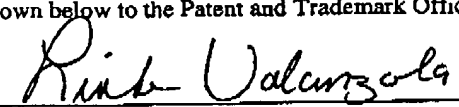
**RECEIVED
CENTRAL FAX CENTER**

Oct-27-2006 15:05

From-EMC LAW DEPARTMENT

OCT 27 2006 84976915

T-230 P.002/008 F-471

TRANSMITTAL FORM	Application No.:	10/731,622
	Filing Date:	12/09/03
	First Named Inventor:	Michael Kowalchik
	Group Art Unit	2189
	Examiner:	Christian P. Chace
Customer No.		24227
Total Number of Pages in this Submission:	8	Docket No. EMC-01-102CIP1
ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Authorization for the Commissioner to charge Deposit Account No. 05-0889 for fees associated with this transaction (in duplicate) <input type="checkbox"/> Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Decl. <input type="checkbox"/> Extension of Time Request for _____ Months <input type="checkbox"/> Request for Continued Examination Transmittal <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Assignment Recordation Cover Sheet <input type="checkbox"/> Declaration/Power of Attorney <input type="checkbox"/> Copy of Notice to File Missing Parts of Nonprovisional Application <input type="checkbox"/> Revocation of Power of Attorney <input type="checkbox"/> Formal Drawings <input type="checkbox"/> Letter to Official Draftsperson with _____ () sheets of redlined changes to drawings <input type="checkbox"/> Copy of PTO 948, "Notice of Draftsperson's Patent Review" <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Additional Enclosures:	<input type="checkbox"/> Petition for Revival of an Unintentionally Abandoned Application [37 CFR 1.137(b)] (in duplicate) <input type="checkbox"/> Associate Power of Attorney Form PTOL-85B, Part B - Issue Fee Payment Transmittal," (in duplicate) <input type="checkbox"/> Pre-Appeal Brief Request for Review <input checked="" type="checkbox"/> Fee Transmittal (in duplicate) <input type="checkbox"/> Terminal Disclaimer <input checked="" type="checkbox"/> Notice of Appeal (in duplicate) <input type="checkbox"/> Appeal Brief (in triplicate) <input checked="" type="checkbox"/> Certificate of Mailing or Transmission <input type="checkbox"/> Certificate of Express Mail Mailing <input type="checkbox"/> Postcard
SIGNATURE OF APPLICANT, ATTORNEY OR AGENT		
Date <u>10/27/06</u>	 Scott A. Ouellette, Esq. (Reg. No. 38,573) EMC Corporation Office of the General Counsel 176 South Street Hopkinton, MA 01748	
Tel: (508) 293-7835 Fax: (508) 293-7189		
CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8]		
I hereby certify that this correspondence and the above-referenced enclosures are being:		
<input type="checkbox"/> Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop: Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.		
<input checked="" type="checkbox"/> Transmitted by facsimile on the date shown below to the Patent and Trademark Office at (571) 273-8300.		
Date <u>10/27/06</u>	 Signature Linda Valanzola Typed or printed name of person signing certificate	

**RECEIVED
CENTRAL FAX CENTER**

Oct-27-2006 15:06

From-EMC LAW DEPARTMENT

OCT 27 2006 5084976915

T-230 P.003/008 F-471

DUPLICATE

FEE TRANSMITTAL For FY 2006

Complete if Known

Application Number	10/731,622
Filing Date	12/09/03
First Named Inventor	Michael Kowalchik
Examiner Name	Christian P. Chace
Art Unit	2189
Attorney Docket No.	EMC-01-102CIP1

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 500.00)

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):

☒ Deposit Account Deposit Account Number: **05-0889** Deposit Account Name: **EMC Corporation**

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or any underpayment of fee(s) ☒ Credit any overpayments


WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

Additional Fees for Large Entity

Fee Code	37 CFR	Fee(s)	Fee Description	Fee Paid
1051	118(e)	130	Surcharge - late filing fee or oath	
1052	1.06(i)	50	Surcharge - late provisional filing fee or cover sheet	
1812	1.20(c)(1)	2520	Request for <i>ex parte</i> reexamination	
1804	1.17(n)	920	Requesting publication of SIR prior to Examiner action	
1805	1.17(o)	1840	Requesting publication of SIR after Examiner action	
1251	1.17(a)(1)	120	Extension for reply within first month	
1252	1.17(a)(2)	450	Extension for reply within second month	
1253	1.17(a)(3)	1020	Extension for reply within third month	
1254	1.17(a)(4)	1590	Extension for reply within fourth month	
1255	1.17(a)(5)	2160	Extension for reply within fifth month	
1401	41.20(b)(1)	500	Notice of Appeal	
1402	41.20(n)(2)	500	Filing a brief in support of an appeal	
1403	41.20(b)(3)	1000	Request for oral hearing	
1451	1.17(j)	1510	Petition to institute a public use proceeding	
1452	1.17(l)	500	Petition to revive - unavoidable	
1453	1.17(m)	1500	Petition to revive - unintentional	
1501	1.18(a)	1400	Utility issue fee	
1502	1.18(b)	800	Design issue fee	
1503	1.18(c)	1100	Plant issue fee	
1807	1.17(q)	50	Processing fee for provisional applications	
1806	1.17(p)	180	Submission of Information Disclosure Statement	
8021	1.21(h)	40	Recording each patent assignment per property (times number of properties)	
1809	1.17(r)	790	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	1.17(s)	790	For each additional invention to be examined (37 CFR 1.129(b))	
1801	1.17(e)	790	Request for Continued Examination (RCE)	
1802	1.17(k)	900	Request for expedited examination of a design application	
Other fee (specify)				
TOTAL				(\$500.00)

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	38,573	Telephone	508-293-7835
Name (Print/Type)	Scott A. Ouellette	Date	10/27/06		

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**RECEIVED
CENTRAL FAX CENTER**

Oct-27-2006 15:06

From-EMC LAW DEPARTMENT

OCT 27 2006 5084976915

T-230 P.004/008 F-471

FEE TRANSMITTAL For FY 2006

Complete if Known

Application Number	10/731,622
Filing Date	12/09/03
First Named Inventor	Michael Kowalchik
Examiner Name	Christian P. Chace
Art Unit	2189
Attorney Docket No.	EMC-01-102CIP1

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 500.00)

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ **Deposit Account** Deposit Account Number: **05-0889** Deposit Account Name: **EMC Corporation**

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or any underpayment of fee(s) ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION


Additional Fees for Large Entity

Fee Code	37 CFR	Fee(s)	Fee Description	Fee Paid
1051	116(e)	130	Surcharge - late filing fee or oath	
1052	1.06(i)	50	Surcharge - late provisional filing fee or cover sheet	
1812	1.20(c)(1)	2520	Request for <i>ex parte</i> reexamination	
1804	1.17(n)	920	Requesting publication of SIR prior to Examiner action	
1805	1.17(o)	1840	Requesting publication of SIR after Examiner action	
1251	1.17(a)(1)	120	Extension for reply within first month	
1252	1.17(a)(2)	450	Extension for reply within second month	
1253	1.17(a)(3)	1020	Extension for reply within third month	
1254	1.17(a)(4)	1590	Extension for reply within fourth month	
1255	1.17(a)(5)	2160	Extension for reply within fifth month	
1401	41.20(b)(1)	500	Notice of Appeal	500.00
1402	41.20(n)(2)	500	Filing a brief in support of an appeal	
1403	41.20(b)(3)	1000	Request for oral hearing	
1451	1.17(j)	1510	Petition to institute a public use proceeding	
1452	1.17(l)	500	Petition to revive - unavoidable	
1453	1.17(m)	1500	Petition to revive - unintentional	
1501	1.18(a)	1400	Utility issue fee	
1502	1.18(b)	800	Design issue fee	
1503	1.18(c)	1100	Plant issue fee	
1807	1.17(q)	50	Processing fee for provisional applications	
1806	1.17(p)	180	Submission of Information Disclosure Statement	
8021	1.21(h)	40	Recording each patent assignment per property (times number of properties)	
1809	1.17(r)	790	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	1.17(s)	790	For each additional invention to be examined (37 CFR 1.129(b))	
1801	1.17(e)	790	Request for Continued Examination (RCE)	
1802	1.17(k)	900	Request for expedited examination of a design application	

Other fee (specify) _____

TOTAL (\$500.00)

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	38,573	Telephone	508-293-7835
Name (Print/Type)	Scott A. Ouellette		Date 10/27/06		

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

OCT 27 2006

PTO/SB/31 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional) EMC-01-102CIP1	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] On <u>October 27, 2006</u> Signature <u>Linda Valanzola</u> Typed or printed name <u>Linda Valanzola</u>		In re Application of <u>Michael Kowalchik et al</u> Application Number <u>10/731,622</u> Filed <u>12/09/03</u> For _____ Art Unit <u>2189</u> Examiner <u>Christian P. Chace</u>	
Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.			
The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))		\$ <u>500.00</u>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:		\$ _____	
<input type="checkbox"/> A check in the amount of the fee is enclosed.		10/30/2006 TL0111 00000026 050889 10731622	
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.		01 FC:1401 500.00 DA	
<input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.			
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>05-0889</u> . I have enclosed a duplicate copy of this sheet.			
<input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.			
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.			
I am the		<u>Scott A. Ouellette</u> Signature	
<input type="checkbox"/> applicant/inventor.		Scott A. Ouellette Typed or printed name	
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)		508-293-7835 Telephone Number	
<input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>38,573</u>		<u>10/27/06</u> Date	
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____			
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input checked="" type="checkbox"/> Total of <u>1</u> forms are submitted.			

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED
CENTRAL FAX CENTER

OCT 27 2006

PATENT
EMC-01-102CIP1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	Michael Kowalchik, et al	GROUP ART UNIT:	2189
U.S.S.N.:	10/731,622	CONFIRMATION NO.:	4760
FILING DATE:	December 9, 2003	EXAMINER:	Chace, Christian
		CUSTOMER NO.	24227
TITLE:	DATA STORAGE DEVICE		

CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 C.F.R. §1.8(a)

Transmitted by facsimile on the date shown below to the Patent and Trademark Office at
(571) 273-8300.

10/27/06

Date

Linda Valanzola

Linda Valanzola

Mail Stop: AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL

Attached please find a Notice of Appeal in the above-referenced application. Since the statutory period for reply was not shortened in the Office Action Summary, applicants believe that no extension of time is necessary, given the 6-month deadline for reply. However, if any fees are due in connection with this submission, please charge any fees occasioned by this submission to Deposit Account No. 05-0889.

In the event the Patent Office deems personal contact desirable in disposition of this matter, the Office is invited to contact the undersigned attorney at (508) 293-7835.

Respectfully submitted,

10/27/06

Date

Scott A. Ouellette

Scott A. Ouellette, Esq.

Reg. No. 38,573

EMC Corporation

176 South Street

Hopkinton, MA 01748

Telephone: (508) 293-7835

Facsimile: (508) 497-6915